
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 243 Session of
2017

INTRODUCED BY LEACH, SCHWANK AND BOSCOLA, JANUARY 27, 2017

REFERRED TO STATE GOVERNMENT, JANUARY 27, 2017

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for a Legislative
3 Reapportionment Commission to designate legislative districts
4 for the General Assembly within this Commonwealth.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby resolves as follows:

7 Section 1. The following amendment to the Constitution of
8 Pennsylvania is proposed in accordance with Article XI:

9 That section 17 of Article II be amended to read:

10 § 17. Legislative Reapportionment Commission.

11 [(a) In each year following the year of the Federal
12 decennial census, a Legislative Reapportionment Commission shall
13 be constituted for the purpose of reapportioning the
14 Commonwealth. The commission shall act by a majority of its
15 entire membership.

16 (b) The commission shall consist of five members: four of
17 whom shall be the majority and minority leaders of both the
18 Senate and the House of Representatives, or deputies appointed
19 by each of them, and a chairman selected as hereinafter

1 provided. No later than 60 days following the official reporting
2 of the Federal decennial census as required by Federal law, the
3 four members shall be certified by the President pro tempore of
4 the Senate and the Speaker of the House of Representatives to
5 the elections officer of the Commonwealth who under law shall
6 have supervision over elections.

7 The four members within 45 days after their certification
8 shall select the fifth member, who shall serve as chairman of
9 the commission, and shall immediately certify his name to such
10 elections officer. The chairman shall be a citizen of the
11 Commonwealth other than a local, State or Federal official
12 holding an office to which compensation is attached.

13 If the four members fail to select the fifth member within
14 the time prescribed, a majority of the entire membership of the
15 Supreme Court within 30 days thereafter shall appoint the
16 chairman as aforesaid and certify his appointment to such
17 elections officer.

18 Any vacancy in the commission shall be filled within 15 days
19 in the same manner in which such position was originally filled.

20 (c) No later than 90 days after either the commission has
21 been duly certified or the population data for the Commonwealth
22 as determined by the Federal decennial census are available,
23 whichever is later in time, the commission shall file a
24 preliminary reapportionment plan with such elections officer.

25 The commission shall have 30 days after filing the
26 preliminary plan to make corrections in the plan.

27 Any person aggrieved by the preliminary plan shall have the
28 same 30-day period to file exceptions with the commission in
29 which case the commission shall have 30 days after the date the
30 exceptions were filed to prepare and file with such elections

1 officer a revised reapportionment plan. If no exceptions are
2 filed within 30 days, or if filed and acted upon, the
3 commission's plan shall be final and have the force of law.

4 (d) Any aggrieved person may file an appeal from the final
5 plan directly to the Supreme Court within 30 days after the
6 filing thereof. If the appellant establishes that the final plan
7 is contrary to law, the Supreme Court shall issue an order
8 remanding the plan to the commission and directing the
9 commission to reapportion the Commonwealth in a manner not
10 inconsistent with such order.

11 (e) When the Supreme Court has finally decided an appeal or
12 when the last day for filing an appeal has passed with no appeal
13 taken, the reapportionment plan shall have the force of law and
14 the districts therein provided shall be used thereafter in
15 elections to the General Assembly until the next reapportionment
16 as required under this section 17.

17 (f) Any district which does not include the residence from
18 which a member of the Senate was elected whether or not
19 scheduled for election at the next general election shall elect
20 a Senator at such election.

21 (g) The General Assembly shall appropriate sufficient funds
22 for the compensation and expenses of members and staff appointed
23 by the commission, and other necessary expenses. The members of
24 the commission shall be entitled to such compensation for their
25 services as the General Assembly from time to time shall
26 determine, but no part thereof shall be paid until a preliminary
27 plan is filed. If a preliminary plan is filed but the commission
28 fails to file a revised or final plan within the time
29 prescribed, the commission members shall forfeit all right to
30 compensation not paid.

1 (h) If a preliminary, revised or final reapportionment plan
2 is not filed by the commission within the time prescribed by
3 this section, unless the time be extended by the Supreme Court
4 for cause shown, the Supreme Court shall immediately proceed on
5 its own motion to reapportion the Commonwealth.

6 (i) Any reapportionment plan filed by the commission, or
7 ordered or prepared by the Supreme Court upon the failure of the
8 commission to act, shall be published by the elections officer
9 once in at least one newspaper of general circulation in each
10 senatorial and representative district. The publication shall
11 contain a map of the Commonwealth showing the complete
12 reapportionment of the General Assembly by districts, and a map
13 showing the reapportionment districts in the area normally
14 served by the newspaper in which the publication is made. The
15 publication shall also state the population of the senatorial
16 and representative districts having the smallest and largest
17 population and the percentage variation of such districts from
18 the average population for senatorial and representative
19 districts.]

20 (a) In each year following the Federal decennial census, a
21 Reapportionment Commission shall be constituted for the purpose
22 of reapportioning the districts of the Senate and House of
23 Representatives of the General Assembly and the districts
24 apportioned to the Commonwealth in the House of Representatives
25 of the Congress. Unless otherwise directed by court order,
26 legislative and congressional reapportionment shall only be
27 permitted once in the decade following the Federal decennial
28 census.

29 (b) The commission shall consist of nine members: eight of
30 whom shall be the majority and minority leaders and whips of

1 both the Senate and House of Representatives, or deputies
2 appointed by each of them. The Supreme Court shall appoint one
3 member who shall serve as chairman who shall be a registered
4 voter within the Commonwealth for at least two years prior to
5 appointment. The chairman may not hold an office of Federal,
6 State or local government to which compensation is attached at
7 the time of his appointment. The chairman may not have held a
8 position within a political party for at least 10 years prior to
9 appointment. No later than 60 days following the official
10 reporting of the Federal decennial census as required by Federal
11 law, the legislator members of the commission shall be certified
12 by the President pro tempore of the Senate and the Speaker of
13 the House of Representatives to the elections officer of the
14 Commonwealth who, under law, shall have supervision over
15 elections. The Supreme Court shall appoint the chairman of the
16 commission during the same 60-day period and shall certify the
17 appointment to the elections officer of the Commonwealth. Any
18 vacancy in the commission shall be filled within 15 days in the
19 same manner in which that position was originally filled.

20 (c) The commission may not utilize any political or personal
21 considerations in drafting a reapportionment plan either
22 legislative or congressional. The commission may not divide any
23 voting precinct that forms a single polygon in drafting a
24 reapportionment plan. The commission may not divide a county,
25 city, township, borough or incorporated town unless absolutely
26 necessary. In finding that a division is necessary, the
27 commission must file the findings in an addendum to each plan
28 adopted by the commission. The appropriate addendum must be
29 submitted to the General Assembly and the Supreme Court along
30 with each reapportionment plan under the provisions of this

1 section. The commission shall adopt a standard measurement
2 defining compactness for the districts in each plan. No district
3 in any plan may be drafted by the commission with a compactness
4 measurement of less than 15% of the total ideal measurement for
5 a district.

6 (d) No later than 60 days after either the commission has
7 been duly certified or usable population data for the
8 Commonwealth is available, whichever is later in time, the
9 commission shall file a preliminary reapportionment plan for the
10 General Assembly with such elections officer. A public comment
11 period of 30 days shall commence with the filing of the
12 preliminary plan.

13 (e) The commission shall have 30 days after the date of the
14 expiration of the public comment period to prepare and adopt a
15 revised reapportionment plan for both Houses of the General
16 Assembly. The revised reapportionment plan shall be adopted and
17 submitted to the General Assembly upon a vote of at least seven
18 members of the commission for approval. The General Assembly
19 shall vote to approve or reject the plan without amendment
20 within 30 days from the date of submission. Upon approval of the
21 plan, the presiding officer of each House shall, in the presence
22 of the House over which the officer presides, sign the
23 reapportionment plan after its title has been read publicly
24 immediately before signing. The fact of the signing shall be
25 entered on the journal and the plan shall be filed with the
26 chief elections officer of the Commonwealth.

27 (f) If the revised reapportionment plan submitted by the
28 commission is not approved by both Houses of the General
29 Assembly within 30 days of submission, the commission shall
30 adopt a final reapportionment plan. In the event the revised

1 reapportionment plan is rejected by either House of the General
2 Assembly, it shall be returned to the commission by the
3 presiding officer with a communication that the plan was
4 rejected. An additional 30-day public comment period shall
5 commence from the date of the rejection. The commission shall
6 have a succeeding 30 days after the public comment period to
7 adopt a final plan upon approval of at least seven members. The
8 final plan shall be submitted to both Houses of the General
9 Assembly for approval. The General Assembly shall vote to
10 approve or reject the plan without amendment within 30 days from
11 the date of submission. Upon approval of the plan, the presiding
12 officer of each House shall, in the presence of the House over
13 which the officer presides, sign the reapportionment plan after
14 its title has been read publicly immediately before signing. The
15 fact of the signing shall be entered on the journal and the plan
16 shall then be filed with the chief elections officer of the
17 Commonwealth.

18 (g) An aggrieved person may file an appeal from the final
19 plan directly to the Supreme Court within 30 days after the
20 filing of the final plan. If the appellant establishes that the
21 final plan is contrary to law, the Supreme Court shall issue an
22 order remanding the plan to the commission and directing the
23 commission to reapportion the Commonwealth in a manner not
24 inconsistent with the order.

25 (h) If the final reapportionment plan submitted by the
26 commission is not approved by both Houses of the General
27 Assembly within 30 days, the reapportionment commission shall
28 then submit both the revised and final reapportionment plans to
29 the Supreme Court within five days.

30 (i) The Supreme Court shall have 30 days to adopt either the

1 revised reapportionment plan or the final reapportionment plan
2 as the plan to be utilized thereafter in elections to the
3 General Assembly until the next reapportionment as required
4 under this section. If the Supreme Court finds that both plans
5 are contrary to law, it shall issue an order remanding the plan
6 to the commission and directing the commission to reapportion
7 the Commonwealth in a manner not inconsistent with the order.
8 The commission shall then have 30 days to submit the
9 reapportionment plan to the Supreme Court.

10 (j) The General Assembly shall appropriate sufficient funds
11 for the compensation and expenses of members and staff appointed
12 by the commission, and other necessary expenses. The members of
13 the commission who are not members of the General Assembly shall
14 be entitled to such compensation for their services as the
15 General Assembly from time to time shall determine, but no part
16 of the compensation shall be paid until a preliminary
17 legislative reapportionment plan is filed. If a preliminary plan
18 is filed but the commission fails to file a revised or a final
19 plan within the time prescribed, the commission members shall
20 forfeit all right to compensation not paid.

21 (k) If a preliminary, revised or final legislative
22 reapportionment plan is not filed by the commission within the
23 time prescribed by this section, unless the time be extended by
24 the Supreme Court for cause shown, the Supreme Court shall
25 immediately proceed on its own motion to reapportion the
26 Commonwealth.

27 (l) Any reapportionment plan filed by the commission, or
28 ordered by the Supreme Court upon failure of the commission to
29 act, shall be published by the elections officer once in at
30 least one newspaper of general circulation in each senatorial

1 and representative district. The publication shall contain a map
2 of the Commonwealth showing the complete reapportionment of the
3 General Assembly by districts and a map showing the
4 reapportioned districts in the area normally served by the
5 newspaper in which the publication is made. The publication
6 shall also state the population of the senatorial and
7 representative districts having the smallest and largest
8 population and the percentage variation of those districts from
9 the average population for senatorial and representative
10 districts.

11 (m) No later than 20 days after the final legislative
12 reapportionment plan has been approved by either the General
13 Assembly or the Supreme Court, the commission shall file a
14 preliminary reapportionment plan for Representatives in the
15 Congress with the chief elections officer of the Commonwealth. A
16 public comment period of 30 days shall commence with the filing
17 of the preliminary congressional plan.

18 (n) The commission shall have 20 days after the date of the
19 expiration of the public comment period to prepare and adopt a
20 revised reapportionment plan for Representatives in the
21 Congress. The revised reapportionment plan shall be adopted and
22 submitted to the General Assembly upon a vote of at least seven
23 members of the commission for approval. The General Assembly
24 shall vote to approve or reject the plan without amendment
25 within 15 days from the date of submission. Upon approval of the
26 plan, the presiding officer of each House shall, in the presence
27 of the House over which the officer presides, sign the
28 reapportionment plan after its title has been read publicly
29 immediately before signing and the fact of the signing shall be
30 entered on the journal. The plan shall then be filed with the

1 chief elections officer of the Commonwealth.

2 (o) If the revised reapportionment plan submitted by the
3 commission is not approved by both Houses of the General
4 Assembly within 15 days of submission, the commission shall
5 adopt a final reapportionment plan for the congressional
6 districts. In the event the revised reapportionment plan is
7 rejected by either House of the General Assembly, it shall be
8 returned to the commission by the presiding officer with a
9 communication that the plan was rejected. An additional 20-day
10 public comment period shall commence from the date of the
11 rejection of the revised plan. The commission shall have a
12 succeeding 20 days after the public comment period to adopt a
13 final plan upon approval of at least seven members. The final
14 plan shall be submitted to both Houses of the General Assembly
15 for approval. The General Assembly shall vote to approve or
16 reject the plan without amendment within 15 days from the date
17 of submission. Upon approval of the plan, the presiding officer
18 of each House shall, in the presence of the House over which the
19 officer presides, sign the reapportionment plan after its title
20 has been read publicly immediately before signing and the fact
21 of the signing shall be entered on the journal. The plan shall
22 then be filed with the chief elections officer of the
23 Commonwealth.

24 (p) An aggrieved person may file an appeal from the final
25 plan directly to the Supreme Court within 30 days after the
26 filing of the final plan. If the appellant establishes that the
27 final plan is contrary to law, the Supreme Court shall issue an
28 order remanding the plan to the commission and directing the
29 commission to reapportion the Commonwealth in a manner not
30 inconsistent with that order.

1 (g) If the final reapportionment plan submitted by the
2 commission is not approved by both Houses of the General
3 Assembly within 15 days, the reapportionment commission shall
4 then submit both the revised and final reapportionment plans to
5 the Supreme Court within five days.

6 (r) If an entirely new senatorial district is formed and if
7 it would not normally be electing a member of the Senate in the
8 following general election, the district shall initially elect a
9 senator for a term of two years in the general election. After
10 the initial two-year term the district shall elect a senator for
11 a term of four years. No member of the Senate may continue to
12 serve in office after another member of the Senate begins that
13 Senator's term of service on the first day of December next
14 after the election representing the district.

15 (s) Population requirements are as follows:

16 (1) Congressional districts shall each have a population as
17 nearly equal as practicable.

18 (2) Legislative districts shall be established on the basis
19 of population. In no case shall the deviation of the overall
20 range of population of the most populous district from the least
21 populous district be greater than 8% of the average district
22 population for each house.

23 (t) The Supreme Court shall have 30 days to adopt either the
24 revised congressional reapportionment plan or the final
25 congressional reapportionment plan as the plan to be utilized
26 thereafter in elections to the Congress of the United States
27 until the next reapportionment as required under this section.
28 If the Supreme Court finds that both plans are contrary to law,
29 it shall issue an order remanding the plan to the commission and
30 directing the commission to reapportion the Commonwealth in a

1 manner not inconsistent with the order. The commission shall
2 then have 15 days to submit the reapportionment plan to the
3 Supreme Court.

4 (u) If a preliminary, revised or final congressional
5 reapportionment plan is not filed by the commission within the
6 time prescribed by this section, unless the time be extended by
7 the Supreme Court for cause shown, the Supreme Court shall
8 immediately proceed on its own motion to reapportion the
9 congressional districts of the Commonwealth.

10 (v) A congressional reapportionment plan filed by the
11 commission, or ordered by the Supreme Court upon failure of the
12 commission to act, shall be published by the elections officer
13 once in at least one newspaper of general circulation in each
14 congressional district. The publication shall contain a map of
15 the Commonwealth showing the complete reapportionment of the
16 congressional districts and a map showing the reapportioned
17 districts in the area normally served by the newspaper in which
18 the publication is made. The publication shall also state the
19 population of the congressional districts having the smallest
20 and largest population and the percentage variation of those
21 districts from the average population for congressional
22 districts.

23 (w) Nothing contained in this section may preclude the
24 General Assembly from enacting legislation that further defines
25 the provisions of this section or provides for additional
26 requirements or restrictions for legislative or congressional
27 reapportionment.

28 Section 2. (a) Upon the first passage by the General
29 Assembly of this proposed constitutional amendment, the
30 Secretary of the Commonwealth shall proceed immediately to

1 comply with the advertising requirements of section 1 of Article
2 XI of the Constitution of Pennsylvania and shall transmit the
3 required advertisements to two newspapers in every county in
4 which such newspapers are published in sufficient time after
5 passage of this proposed constitutional amendment.

6 (b) Upon the second passage by the General Assembly of this
7 proposed constitutional amendment, the Secretary of the
8 Commonwealth shall proceed immediately to comply with the
9 advertising requirements of section 1 of Article XI of the
10 Constitution of Pennsylvania and shall transmit the required
11 advertisements to two newspapers in every county in which such
12 newspapers are published in sufficient time after passage of
13 this proposed constitutional amendment. The Secretary of the
14 Commonwealth shall submit this proposed constitutional amendment
15 to the qualified electors of this Commonwealth at the first
16 primary, general or municipal election which meets the
17 requirements of and is in conformance with section 1 of Article
18 XI of the Constitution of Pennsylvania and which occurs at least
19 three months after the proposed constitutional amendment is
20 passed by the General Assembly.